

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/EP2005/002016

International filing date (day/month/year)  
25.02.2005

Priority date (day/month/year)  
12.03.2004

International Patent Classification (IPC) or both national classification and IPC  
INV. G03F7/32

Applicant  
KODAK POLYCHROME GRAPHICS GMBH

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA:



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Date of completion of  
this opinion

see form  
PCT/ISA/210

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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITYInternational application No.  
PCT/EP2005/002016

AP20 Rec'd PCT/PTO 05 SEP 2006

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Box No. I Basis of the opinion

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1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ on paper
    - ☐ in electronic form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in electronic form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

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The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of

☐ the entire international application

☒ claims Nos. 12

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international search (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 12 are so unclear that no meaningful opinion could be formed (*specify*):

**see separate sheet**

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):

☐ no international search report has been established for the whole application or for said claims Nos.

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Searching Authority in a form and manner acceptable to it.

☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter.1(a) or (b).

☐ a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Searching Authority in a form and manner acceptable to it.

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details

**WRITTEN OPINION OF THE  
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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	15
	No: Claims	1-11, 13, 14
Inventive step (IS)	Yes: Claims	
	No: Claims	15
Industrial applicability (IA)	Yes: Claims	
	No: Claims	

2. Citations and explanations

**see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

PCT/EP2005/002016

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1). Reference is made to the following documents:

D1: EP-A-0 716 347 (FUJI PHOTO FILM CO., LTD) 12 June 1996 (1996-06-12)  
D2: US-A-4 822 722 (LEWIS ET AL) 18 April 1989 (1989-04-18)  
D3: PATENT ABSTRACTS OF JAPAN vol. 014, no. 136 (P-1021), 14 March 1990 (1990-03-14) & JP 02 002572 A (KONICA CORP), 8 January 1990 (1990-01-08)

- 2). The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1-11, 13 and 14 is not new in the sense of Article 33(2) PCT.
- 3). The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 15 does not involve an inventive step in the sense of Article 33(3) PCT.
- 4). D1 discloses aqueous, alkali-free developers and replenishers for photosensitive lithographic printing plates containing (1) as a development stabiliser at least one compound selected from the group consisting of sugars, oximes, phenols and fluorinated alcohols, and (2) an alkali agent, and having a pH value in the range 11.0 to 13.5 (see abstract).

D1 particularly discloses in example 3 (see page 27, lines 55-58, page 28, lines 19-24, and Table 2 on page 29), a developer (called D) which comprises sodium carbonate and tetrabutylammonium hydroxide in concentrations 25,0 g/l and 0,2 g/l, respectively. The developer's pH value is adjusted to 12,5 with potassium hydroxide. Replenisher H contains the same components but its pH was adjusted to 13,4.

Thus, developer D and replenisher H of D1 anticipate all features characterising current claims 1 to 3, 5, 7 and 8.

- 5). Furthermore, example 3 according to D1 also discloses a process for developing exposed printing plate precursors as claimed in current claims 11, 13 and 14 (see page 20, lines 29-30, and page 27, lines 1-24).
- 6). D1 teaches the addition of optional components to the developer compositions such as organic solvents, antifoam agents, complexing salts, surfactants and germicides (see page 14, lines 4-41). Thus, the subject-matter of claim 6 is not novel.
- 7). Additionally, the subject-matter of claim 15, although not explicitly disclosed in D1, fails to involve an inventive step. According to D1, page 15, lines 3-7, the developer and replenisher can be prepared in the form of concentrated solution which is reduced in water content. The degree of concentration is limited according to D1 only by the requirement that the ingredients do not separate out or deposit. The determination of the appropriate degree of concentration is considered to be comprised within the compass of a person skilled in the art.
- 8). D2 relates to high-contrast developers for exposed photoresists comprising inorganic salts, preferably a carbonate, a carboxylated surfactant and an alkali metal base, preferably potassium or sodium hydroxide (see abstract). Examples 17-21 and 23-26 show developer compositions containing high concentrations of aqueous potassium hydroxide (0,150 - 0,200 N), a surfactant and potassium carbonate in concentrations ranging between 2 and 8 wt.-%. The pH value of such solutions can be calculated starting from the KOH concentrations, and vary between 13,2 and 13,3 ( $\text{pH} = 14 - \log [\text{OH}^-]$ ). The amounts of potassium carbonate fall in the ranges claimed in claims 9 and 10, the subject-matter of which therefore lacks novelty.
- 9). Furthermore, D2 teaches the addition of alkali silicates to the developer compositions (see col. 7, lines 10-21), which anticipates the subject-matter of current claim 4.
- 10). For the sake of completeness, D2 also discloses the subject-matter of claims 1-3 and 5-8. D3 also discloses the features of claims 1-5 and 7-8.

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- 11). Finally, the subject-matter of claim 12 is not properly defined. A process cannot be characterised by a negative feature related to a different process. The claim lacks clarity to such an extent that no opinion can be established on novelty or inventive step.